

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

(1) TECHNOLOGY PROPERTIES
LIMITED and (2) PATRIOT SCIENTIFIC
CORPORATION,

Plaintiffs,

vs.

(1) ACER, INC.
(2) ACER AMERICA CORPORATION
(3) GATEWAY, INC.

Defendants.

CASE NO. 2:08-cv-228

Jury Trial Demanded

NOTICE OF DISMISSAL

Pursuant to Federal Rule Civ. P. 41(a)(1)(A)(i), Plaintiff hereby notices the voluntary dismissal without prejudice of this action against defendants Acer, Inc., Acer America Corporation, and Gateway, Inc. Each side to bear their own fees and costs.

Dated: February 12, 2009

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux
S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@capshawlaw.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@capshawlaw.com
Capshaw DeRieux, LLP
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

John L. Cooper
California Bar No. 50324
Email: jcooper@fbm.com
Jeffrey M. Fisher
California Bar No. 155284
Email: jfisher@fbm.com
Helen Dutton
California Bar No. 235558
hdutton@fbm.com
Farella Braun + Martel, LLP
Russ Building
235 Montgomery Street
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

ATTORNEYS FOR PLAINTIFF
TECHNOLOGY PROPERTIES LIMITED

By: /s/ Robert Christopher Bunt, by permission ELD
Robert M. Parker
State Bar No. 15498000
Email: rmparker@pbatyler.com
Robert Christopher Bunt
State Bar No. 00787165
Email: rcbunt@pbatyler.com
Parker, Bunt & Ainsworth, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: (903) 531-3535
Facsimile: (903) 533-9687

Charles T. Hoge
California Bar No. 110696
Email: choge@knlh.com
Kirby Noonan Lance & Hoge, LLP
350 Tenth Avenue, Suite 1300
San Diego, CA 92101
Telephone: (619) 231-8666
Facsimile: (619) 231-9593

ATTORNEYS FOR PLAINTIFF
PATRIOT SCIENTIFIC CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 12th day of February, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Elizabeth L. DeRieux _____
Elizabeth L. DeRieux